

under § 89.609–96 was based on erroneous information, the Administrator will withdraw the notice of intent.

(4) Hearings on suspensions and revocations of certificates of conformity or of eligibility to apply for new certificates or of eligibility to perform modification/testing under § 89.609–96 will be held in accordance with the following:

(i) The procedures prescribed by this section will apply whenever an ICI requests a hearing pursuant to paragraph (e)(3)(iii) of this section.

(ii) Hearings under paragraph (e)(3)(iii) will be held in accordance with the procedures outlined in § 86.614 of this chapter, where applicable, provided that where § 86.612 is referred to in § 86.614: § 86.612(a) is replaced by § 89.612–96(e)(2); and § 86.612(i) is replaced by § 89.612–96(e)(3)(iii).

(5) When a hearing is requested under this section and it clearly appears from the data or other information contained in the request for a hearing, or submitted at the hearing, that no genuine and substantial question of fact exists with respect to the issue of whether the ICI failed to comply with this subpart, the Administrator will enter an order denying the request for a hearing, or terminating the hearing, and suspending or revoking the certificate of conformity and/or deeming the ICI ineligible to apply for new certificates or to perform modification/testing under § 89.609–96.

(6) In lieu of requesting a hearing under paragraph (e)(3)(iii) of this section, an ICI may respond in writing to EPA's charges in the notice of intent to suspend or revoke. An ICI's written response must be received by EPA within 30 days of the date of EPA's notice of intent. No final decision to suspend or revoke will be made before that time.

§ 89.613–96 Treatment of confidential information.

The provisions for treatment of confidential information as described in § 89.7 apply.

Subpart H—Recall Regulations

§ 89.701 Applicability.

The requirements of subpart H are applicable to all nonroad engines subject to the provisions of subpart A of part 89.

§ 89.702 Definitions.

The definitions in subpart A of this part apply to this subpart.

§ 89.703 Applicability of part 85, subpart S.

(a) Nonroad engines subject to provisions of subpart B of this part are subject to recall regulations specified in part 85, subpart S of this title, except for the items set forth in this section.

(b) Reference to section 214 of the Clean Air Act in § 85.1801 is replaced by reference to section 216 of the Clean Air Act.

(c) Reference to section 202 of the Act in § 85.1802(a) is replaced by reference to section 213 of the Act.

(d) Reference to “family particulate emission limits as defined in Part 86 promulgated under section 202 of the Act” in § 85.1803(a) and § 85.1805(a)(1) is replaced by reference to family emission limits as defined in part 89 promulgated under section 213 of the Act.

(e) Reference to “vehicles or engines” throughout the subpart is replaced by reference to “engines.”

Subpart I—Emission Defect Reporting Requirements

§ 89.801 Applicability.

The requirements of subpart I are applicable to all nonroad engines subject to the provisions of subpart A of part 89. The requirement to report emission-related defects affecting a given class or category of engines remains applicable for five years from the end of the model year in which such engines were manufactured.

§ 89.802 Definitions.

The definitions in subpart A of this part apply to this subpart.